





SPEECH

OF

MR. HORACE MANN, OF MASS.,

ON THE

SUBJECT OF SLAVERY IN THE TERRITORIES,

AND THE CONSEQUENCES OF THE

THREATENED DISSOLUTION OF THE UNION.

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DELIVERED IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 15, 1850.

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WASHINGTON:  
GIDEON AND CO., PRINTERS.  
1850.



## SPEECH.

Mr. CHAIRMAN; Ever since the organization of this House,—before its organization, and even in a preliminary caucus that preceded the commencement of the session, southern gentlemen have pressed the cause, not only of human slavery, but of slavery-extension, upon us. From motives of forbearance, and not from any question as to our rights, we of the North have maintained an unbroken silence. The time has surely come when the voice of freedom should find an utterance. Would to God that on the present occasion it might find an abler defender than myself, although, if my ability to defend it were equal to the love I bear it, it could ask no abler champion.

I wish to premise a few words respecting the propriety and true significance of some of the epithets by which the parties to this discussion are characterized. The term "Free-Soiler" is perpetually used upon this floor as a term of ignominy and reproach; yet, I maintain that in its original and legitimate sense, as denoting an advocate of the doctrine that all our territorial possessions should be consecrated to freedom, there is no language that can supply a more honorable appellation. It expresses a determination on the part of its disciples to keep free the territory that is now free; to stand upon its frontier as the cherubim stood at the gates of Paradise, with a flaming sword to turn every way, to keep the sin of slavery from crossing its borders. If, in any instance, the original advocates of Free-Soil have abandoned their integrity, and have courted allies who had no sympathy with their principles, but were only eager to join them in a struggle for political ascendancy, then, in my judgment, they have lost infinitely more in moral power than they have gained in numbers. They have ceased to be genuine and single-hearted Free-Soilers, whom I love, and have become partisans, whom I condemn. For myself, I will engage in any honorable measure most likely to secure freedom to the new Territories. I will resist any and every measure that proposes to abandon them to slavery. The epithet "Free-Soiler," therefore, when rightly understood and correctly applied, implies both political and moral worth; and I covet the honor of its application to myself. But what does its opposite mean? What does the term "Slave-Soiler" signify? It signifies one who desires and designs that all soil should be made to bear slaves. Its dreadful significance is, that, after Magna Charta, and the Petition of Right in Great Britain, and after the Declaration of Independence in this country, we should cast aside with scorn, not only the teachings of Christianity, but the clearest principles of natural religion and of natural law, and should retrograde from our boasted civilization into the Dark Ages,—ay, into periods that the dark ages might have called dark. It means that this Republic, as we call it, formed to establish freedom, should enlist in a crusade against freedom.

And again; those of us at the North, who resist slavery extension, who mean to withstand its spread beyond the limits where it now exists, are denounced as Abolitionists. This epithet is applied to us as a term of reproach and obloquy; as a brand and stigma upon our characters and principles.

No distinction is made between those few individuals among us who desire to abolish the Constitution of the United States; and that great body of the people, who, while their allegiance to this Constitution is unshaken, mean also to maintain their allegiance to truth and to duty, in withstanding the hitherto onward march of slavery. Among the latter class, Mr. Collamer, the Postmaster General, is called an Abolitionist. Mr. John Quincy Adams was denounced as an arch-abolitionist. Every man who advocates the Jefferson proviso, against the spread of slavery, is so called; and if an unpeakable abhorrence of this institution, and the belief that it is the second greatest enormity which the oppressor, in his power, ever committed against the oppressed, in his weakness,—being inferior only to that ecclesiastical domination which has trampled upon the religious freedom of man,—I say, if this abhorrence of slavery, and this belief in its criminality, entitle a man to be denominated an Abolitionist, then I rejoice in my unquestionable right to the name.

In my apprehension, sir, before we can decide upon the honor or the infamy of the term "Abolitionist," we must know what things they are which he proposes to abolish. We of the North, you say, are Abolitionists; but abolitionists of what? Are we abolitionists of the inalienable, indefeasible, indestructible rights of man? Are we abolitionists of knowledge, abolitionists of virtue, of education, and of human culture? Do we seek to abolish the glorious moral and intellectual attributes which God has given to his children, and thus, as far as it lies in our power, make the facts of slavery conform to the law of slavery, by obliterated the distinction between a man and a beast?

Do our laws and our institutions seek to blot out and abolish the image of God in the human soul? Do we abolish the marriage covenant; and instead of saying, with the Apostle, that wives shall submit themselves to their husbands, command them to submit themselves to any body, and to their master as husband over all? Do we ruthlessly tear asunder the sacred ties of affection by which God has bound the parent to the child and the child to the parent? Do we seek to abolish all those noble instincts of the human soul, by which it yearns for improvement and progress; and do we quench its sublime aspirations after knowledge and virtue? A stranger would suppose, from hearing the epithets of contumely that are heaped upon us, that we were abolitionists of all truth, purity, knowledge, improvement, civilization, happiness and holiness. On this subject, perversion of language and of idea has been reduced to a system, and the falsehoods of our calumniators exclude truth with the exactness of a science.

But if the word "Abolitionist" is to be used in a reproachful and contumelious sense, does it not more properly belong to those who would extend a system which in its very nature abolishes freedom, justice, equity, and a sense of human brotherhood? Does it not belong to those who would abolish not only all social and political, but all natural rights; who would abolish "liberty and the pursuit of happiness;" who would close up all the avenues to



knowledge; who would render freedom of thought and liberty of conscience impossible, by crushing out the faculties by which alone we can think and decide; who would rob a fellow-man of his parental rights, and innocent children of the tenderness and joys of a filial love; who would introduce a foul concubinage in place of the institution of marriage, and who would remorselessly trample upon all the tenderest and holiest affections which the human soul is capable of feeling? After Mr. Jefferson, in the Declaration of Independence, had enumerated a few oppressive deeds of the British king towards his American colonists, he denominated him "a prince whose character was marked by every act that could define a tyrant." There are now as many slaves in this country as there were colonists in 1776. Compare the condition of these three million slaves with the condition of the three million colonists. The conduct of that sovereign who was denounced before earth and heaven as having committed all the atrocities that could define a tyrant, was mercy and loving-kindness compared with the wrongs and privations of three millions of our fellow-beings now existing among us. If the word "Abolitionist," then, is to be used in a reproachful sense, let it be applied to those who, in the midst of the nineteenth century, and in defiance of all the lights of the age, would extend the horrors of an institution which, by one all-comprehending crime towards a helpless race, makes it impossible to commit any new crime against them, —unless it be to enlarge the area of their bondage, and to multiply the number of their victims.

If we are abolitionists, then, we are abolitionists of human bondage; while those who oppose us are abolitionists of human liberty. We would prevent the extension of one of the greatest wrongs that man ever suffered upon earth; they would carry bodily chains and mental chains, —chains in a literal and chains in a figurative sense, —into realms where even the half-civilized descendants of the Spaniard and the Indian have silenced their clanking. We would avert the impending night of ignorance and superstition; they would abolish the glorious liberty wherewith God maketh his children free. In using this word, therefore, to calumniate us, they put darkness for light, and light for darkness; good for evil, and evil for good.

The constitutional right of Congress to legislate for the territories is still debated. Having presented my views on this subject before, I shall now treat it with brevity. In a speech by General Cass, which has lately been published, that distinguished Senator, in order to prove that Congress has no power to legislate on the subject of slavery in the territories, has attempted to prove that it has no power to legislate for the territories at all. I refer to the Senator from Michigan, because he now stands before the country in the two-fold character of being the head of the Democratic party, which goes for the "largest liberty;" and also of the extreme pro-slavery party, which goes for the *largest bondage*. He would sever all diplomatic relations between this country and Austria, because she has robbed the Hungarians of a *part* of their liberties; while he is drawing closer the political ties which bind him to the South, which has despoiled three millions of Africans of *all* their liberties, and is now intent on propagating other millions for new despolitions. He claims, as the great bequest of the barons of Runnymede, that the inhabitants of the territories, under all circumstances of infancy, or poverty, or weakness, shall have the sole and exclusive right of governing themselves; when the practical result of this doctrine, so nicely timed,

would be, that one part of those inhabitants would be crowned with power like so many King Johns, to lord it over their vassals. Under the name of liberty, he enters a path that terminates in bondage. Southern gentlemen had all admitted the power of Congress to legislate for the territories, though they denied the special inference, deducible from the general power, that they could legislate to prohibit slavery in them. But, seeing that the right to legislate on the subject of slavery flows irresistibly from the right to legislate on all other subjects, because no rule of interpretation, which concedes the power to make laws respecting political franchises, courts, crimes, officers, and the militia, can stop short at the subject of slavery; —seeing all this, General Cass denies both inference and premises, and places the General Government in the relation of a foreign power to the territories which it owns, and of which it possesses the acknowledged sovereignty. He reminds one of the man who denied the existence of future punishment, and, when pressed with arguments drawn from the deserts of men, and from the justice of God, he suddenly arrested his antagonist by denying the existence of a God!

When some immensely long speech, made in the British House of Commons, was spoken of before Sheridan as being *luminous*, he expressed both a negative and an affirmative opinion respecting it, in a single word, by replying that it was *co-luminous*. General Cass, in a speech that fills more than nineteen columns in the *Washington Union*, has reviewed the decisions of all the judges of the Supreme Court who have ever expressed any opinion on the subject of Congressional power over territorial legislation; he has commented upon the views of all the jurists who have written upon it, and of most of the speakers in both Houses of Congress who have discussed it; he has surveyed the course of administration of all the Presidents we have ever had; and has come to the clear conclusion that all of them, —judges, jurists, legislators, and Presidents, —have systematically violated the Constitution of the United States, or commended its violation, on every practicable occasion for the last sixty years!

Omitting the hundred ways in which the absurdity of this conclusion can be exposed, let me subject it to one practical test. We have acquired territory from Mexico. General Cass voted to ratify the treaty of cession. Measures have been instituted for the formation of three separate governments in this Territory — those of California, Desert, and New Mexico. The boundaries marked out by California and Desert overlay each other to the amount of thousands of square miles. If they have the exclusive right of self-government, as General Cass declares, and Congress none, then they must settle this question of boundary themselves. They may declare war against each other, make alliances with foreign powers, equip armies, build fleets; while Congress can do nothing within their limits but —sell land.

But what renders the argument of General Cass still more extraordinary is the fact, that, according to his own doctrine, he has spent the greater part of his political life in violating the Constitution, while constantly repeating his oaths to support it. As marshal of Ohio, as governor of Michigan, as Indian agent, he has appointed officers and magistrates, and executed laws; when, according to his own showing, he was a mere interloper and usurper; he has met territorial legislatures which had no more right to assemble than a mob; he has doubtless imprisoned, if not executed, many alleged offenders, who had as good a legal right to execute

or to imprison him; and he has received salaries for more than twenty years, to which the Khan of Tartary was as much entitled as he. Now, if he will refund the salaries he has unconstitutionally received; make reparation for the penalties or forfeitures he has wrongfully extorted; show some signs of contrition for the men whom he has unlawfully imprisoned or hung, it will remove the suspicions of many minds, in regard to the sincerity, if not the soundness, of his argument.

I mention these facts from no personal feelings in regard to the Senator from Michigan; but only to show to what desperate extremities men are driven in order to defend the right of spreading slavery from the Atlantic to the Pacific ocean; and because this is the last reading of the Constitution which has been invented for the purpose.

Since the last session of Congress, the condition of a part of this territory has greatly changed. The unexampled velocity with which a living stream of men has poured into it within the last twelve months has reversed its condition and decided its destiny. In other countries, individuals seek their fortunes by changing their residence. Under the vehement action of our enterprise, cities migrate. The new residents of California have framed a constitution, have applied for admission into this Union, and their application is now pending before us. Of their own accord, they have excluded slavery from their borders by their fundamental law. Until the discovery of gold in that country, and until all incredulity in regard to that remarkable fact had been overcome, it was confidently anticipated at the South, and intensely feared at the North, that the whole region would be overrun with slaveholders, and with slaves. As far back as 1842, Mr. Wise, of Virginia, the administration leader in the House of Representatives, boldly declared that "slavery should pour itself abroad without restraint, and find no limit but the Southern Ocean." The war with Mexico was waged for the two-fold purpose of robbing that republic of its territory, and then of robbing that territory of its freedom. Congressional orators and the Southern press avowed that the object of acquiring territory was to extend the "divine institution." I could quote pages in proof of this assertion. The North had no hope; the South had no fear, if the territories were left without control, that they would first be filled with slaveholders, and would then incorporate slavery into their organic law. While these hopes and apprehensions existed, the South insisted that the Territories should be left untrammelled. Distinguished men in this House, Mr. Calhoun and other Senators, the Government organ which was supposed to express the views of the President and his Cabinet, all proclaimed that the Territories should be left free to institute such government as they might choose.\* But since

California has formed a free constitution, what a sudden change has taken place in the convictions of men! Within the present week we have had three most elaborate speeches in this House, in which the admission of California, with her free constitution, is vehemently opposed on constitutional grounds. Yes, sir, did you know it? *The Constitution of the United States has just been altered*; or, what is intended to produce the same effect, without the trouble of an alteration in the manner prescribed by itself, its interpretation has been altered. While California promised to be a slave State, all interference was unconstitutional. Now, as she desires to be a free State, it has become constitutional to interfere and repel her. Not only so, but, according to the gentleman from Alabama, (Mr. INGE,) in swearing to support the Constitution we have sworn to perpetuate, and not only to perpetuate, but to *extend* slavery. "To those," he says, "who are disposed to resist my views, I commend a more attentive reading of that instrument. They will find that it not only guarantees slavery, but provides for its extension." Or, as he says in another place, it makes provision "to extend the institution indefinitely."

Constitution, but in direct conflict with the principle on which our political system rests."

In sustaining these resolutions, he said:

"Sir, I hold it to be a fundamental principle of our political system that the people have a right to establish what government they may think proper for themselves; that every State about to become a member of this Union has a right to FORM ITS OWN GOVERNMENT AS IT PLEASES; and that, in order to be admitted, there is but one qualification, and that is, that the government shall be republican. There is no express provision to that effect, but it results from that important section which guarantees to every State in this Union a republican form of government."

Mr. Senator Downs, of Louisiana, offered the following resolution:

"Resolved, That it is competent and expedient, and not inconsistent with the practice of the Government in some cases, to admit California, or such portion of it as Congress may deem proper, immediately into the Union, on an equal footing with the other States; and that the Committee on — be instructed to report a bill for that purpose, for that portion of California which lies west of the summit of the Sierra Nevada mountains."

The doctrine of these resolutions was fully endorsed by the Washington Union, speaking, doubtless, (for it never spoke any thing else,) the sentiments of the then administration.

"The South denies that Congress has any jurisdiction over the subject of slavery, and contends that the people of the Territories alone, when they frame a constitution, preparatory to admission into the Union, have a right to speak and be heard on that matter. This fact being settled, it really seems to us that this exciting question might be speedily adjusted, if calm counsels prevail. The South contends for her honor, and for the great principles of non-interference and State equality. Why, then, cannot all unite, and permit California to come into the Union as soon as she can frame a constitution? Then, according to the doctrines which prevail on both sides of Mason and Dixon's line, she may constitutionally establish her domestic institutions on any basis consistent with republican principles. The South could lose nothing by adopting this course. On the contrary, she would save all for which she contends."

\* In February, 1847, Mr. Calhoun offered a series of resolutions in the Senate of the United States, among which was the following:

"Resolved, That it is a fundamental principle in our political creed, that a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness; and, in conformity thereto, no other condition is imposed by the Federal Constitution on a State, in order to be admitted into this Union, except that its constitution shall be republican; and that the imposition of any other by Congress would not only be in violation of the



And, therefore, when a territory asks to be admitted as a free State, it is to be repulsed, and virtually told, "If you will incorporate slavery into your constitution, you shall be admitted; if not, not." Had the man who first uttered the adage that "circumstances alter cases," foreseen our times, he would have said, "circumstances alter principles."

The same gentleman defends slavery by an appeal to the Bible. But, if the Bible be authority for the principal, is it not authority for the incidents also? If an authority for the cruelties of bondage, is it not an equal authority for its mitigations? Is not the command to "hallow the fiftieth year," as a year of jubilee, and to "proclaim liberty throughout all the land unto all the inhabitants thereof," contained in the same code, and in the same chapter of the same code, with that oft-cited authority to buy bondmen and bondmaids of the heathen? If the Bible is your commission, why do you not follow the terms of the commission, obey its limitations, as well as its powers. This is the fiftieth year of the century,—the very year of jubilee itself; and yet, instead of "returning every man unto his possession, and every man unto his family," this is the chosen year for subjugating new realms to bondage. It is not to be "hallowed" as a year of jubilee, but to be profaned as a year of captivity and mourning.

Sir, I must express the most energetic dissent from those who would justify modern slavery from the Levitical law. My reason and conscience revolt from those interpretations which

"Torture the hallowed pages of the Bible,

To sanction crime, and robbery, and blood,

And, in oppression's hateful service, libel

Both man and God."

Priests appealed to the Bible in Gallileo's time, to refute the truths of astronomy. For more than two hundred years, the same class of men has appealed to the same authority to disprove the science of geology. And now this authority is cited, not to disprove a law of physical nature merely, but to deny a great law of the human soul,—a law of human consciousness,—a law of God, written upon the tablet of every man's heart, authenticating and attesting his title to freedom. Sir, let those who reverence the Bible beware how they suborn it, to commit this treason and perjury against the sacred rights of man and the holy law of God. Whatever they gain for the support of their doctrine, will be so much subtracted from the authority of the Scriptures. If the Bible has crossed the Atlantic to spread slavery over a continent where it was unknown before, then the Bible is a book of death, and not a book of life.

It is further objected to the admission of California, that its dimensions are too large for a single State. The force of this objection is somewhat abated when we reflect that it comes from men who were most strenuous for the admission of Texas. However, I shall not object very earnestly to the reduction of its limits. I will say, in frankness, that the southern portion of California is understood to be even more attached to freedom than the northern. The result may, therefore, be, if this objection is persisted in and a division made, that we shall soon have two free States instead of one. It was said, by the last administration, that Mexico was to be dismembered, in order "to extend the area of freedom." The most just retribution for that diabolical irony, is to carry out the declaration literally.

But I now come to a more substantial part of this great question. The South rests its claims to the

new territory upon the great doctrine of equality. There are fifteen slave States; there are only fifteen free States. The South contributed men and money for the conquest, not less than the North; hence, equal ownership and equal rights of enjoyment. This is the argument. In a long and most elaborate speech, delivered in the Senate this week, by one of the most eminent jurists in the southern States, (Judge BERRIEN,) he founds the whole claim of the South on this doctrine of equality.

Now, I admit this principle in its fullest extent and without hesitation. That country is equally free to all the people of the United States. The government can sell the lands not already covered by valid titles; and any citizen who will comply with its terms can buy them. The people of each of the United States can go there and establish their domicile. The laws of Congress make no discrimination between them. The Constitution makes no such discrimination. The law of nature and of nations makes none. The North has no privilege over the South, and the South has none over the North. If the North has any greater right there than the South, the equality is destroyed. If the South has any greater right there than the North, the equality is equally destroyed.

And now, practically, what right has the North, or what right is claimed by the North, which the South has not to an equal extent? What article of property can a citizen of Massachusetts carry there which a citizen of Georgia can *not* carry there? Can we carry any of our local laws there; even though all the inhabitants of the State should remove thither in a body? Certainly not. When we leave our State, we leave our local laws behind us. A citizen of Boston has a right to educate his children at school, at the public expense. In the Boston public schools, he can prepare his son to enter any college in this country, even though he is too poor to pay a cent of tax, and never has paid a cent of tax. Has he any such right on arriving at San Francisco? If the city of Boston debar him of this right of educating his son at the public charge, he can institute a suit against it and recover full damages. Can he do the same thing at San Francisco or San Jose? Certainly not. He has left the laws and institutions of Massachusetts behind him. But, it is said, we can carry our *property* there, and you cannot carry your *property* there. I think those who use this argument, like the old Roman augurs, must smile at each other's askance, for the credulity or simplicity of those they beguile by it. Will not every man, even of the feeblest discernment, see the fallacy which is here covered up under the word "*property*?" What is meant by this deceptive term "*property*?" If you mean silver, or gold, or grass, or grain, or sheep, or horses, cannot you carry these there as freely as we can? But you have special laws; local and peculiar laws,—laws contrary to the great principles of the common law, by which you call *men* and *women* property. And then, forsooth, because we can carry *property* there, when *property* means grain and cattle, you can carry property there when it means human beings,—perhaps your own brothers, or sisters, or children. Because we can carry our property there, when property means inanimate substances, you have only to call a human being *property*, you have only to call a creature, formed in the image of God, *property*, and then he can be smuggled in under the new name. Why, sir, there is not a respectable village in the country where, if a juggler or mountebank were to attempt to palm off upon his audience so flimsy a trick as this, he would not be hissed off the stage. There are certain kinds of property and rights which we



can carry with us to the Territories, and other kinds which we cannot. We can carry movable property, but not immovable,—a diamond or a library, but not a cotton factory nor a cotton field. By the papers of this city, as I open them every morning, I see that lotteries are authorized by more or less of the southern States. Their "schemes" are regularly advertised. I remember, when stopping for a day in one of the southern cities, that some half-official looking personages came into the hotel, cleared a large space in the public hall, set down a rotary machine, and proceeded to draw a lottery. Now, in Massachusetts, and in many of the northern States, lotteries are prohibited, under severe penalties. With us, it is highly penal to advertise a lottery in any form, to placard one at the corners of the streets, or to exhibit any plan or emblem of one at a shop window. We act upon the well-known truth, that there is a much less number of persons who draw any considerable prize in a lottery, than there are who are killed by lightning; and, therefore, whatever chance a ticket-holder has of drawing any considerable prize, we know that he has a much greater chance of being killed by lightning. Now, when a citizen of Virginia and a citizen of Massachusetts go to the new Territories, does the former carry his right to establish and draw a lottery, or the latter carry his right to prosecute the other for doing so? Neither; certainly neither. Both have left the local law behind them. If any State in this Union had adopted polygamy as its peculiar institution, could an inhabitant of that State take a dozen wives with him into the new Territories, and defend his claim to live with them there because he could do so at home?

Suppose, in pursuance of the "manifest destiny" principle, we should "re-annex" a part of China to this Union, would the Chinese, on removing to California, carry the practice of infanticide with them? There are cannibal islands in the South seas, where, as voyagers tell us, it is the practice of the chiefs, after having condemned and executed a criminal, *to dine on him*. If "manifest destiny" should unite them to this country, could they bring their peculiar institution of cannibalism into New Mexico? Just as well, I answer, and on precisely the same legal ground, that the South can carry slavery into New Mexico. The reason is, that the law of slavery is a local law. Like lotteries, or polygamy, or infanticide, or cannibalism, it can legally exist in no land where the principles of the common law prevail, until it is legalized and sanctioned by a special law. It is then permitted on the simple ground that so much of the common law as secures liberty and property, the right of habeas corpus, and freedom of speech to each individual, has been cut out and cast away. The Constitution proceeds upon this doctrine when it provides for the recapture of fugitive slaves. Why did it not provide for the recapture of a fugitive horse, or ox? Why did it not provide that, if a horse or an ox should escape from a slave State into a free State, it should be delivered up, or be recoverable by legal process? Because horses and oxen are *property*, by the common consent of mankind. It needed no law to make them property. They are property by the law of nations, by the English common law, by the law of every State in this Union,—*while men and women are not*. An escaped slave could not be recovered before the adoption of the Constitution. The power to seize upon escaping slaves was one of the motives for adopting it. These considerations demonstrate that slaves are not *property*, within the meaning of this word, when it is affirmed that if the North can carry

its property into the Territories, so can the South. As the Constitution, in terms, adopts the common law, it leaves slavery nothing to stand upon but the local laws of the States where it is established. Freedom is the rule, slavery is the exception. Judge Berrien's favorite doctrine of equality would, therefore, be destroyed if the exception should prevail over the rule. For, if slavery can be carried into any of our Territories by force of the Constitution, it can into all of them; and, if carried into all of them, the exception becomes the rule, and the rule perishes. Ay, the rule ceases to be even so much as an exception to that which was its own exception. It is wholly swallowed up and lost.

I know it is said that the *fact* of slavery always precedes the *law* of slavery; that law does not go before the institution and create it, but comes afterwards to sanction and regulate it. But this is no more true of slavery than of every other institution or practice among mankind, whether right or wrong. Homicide existed before law; the law came in subsequently, and declared that he who took an innocent man's life, without law, should lose his own by law. The law came in to regulate homicide; to authorize the taking of human life for crime, just as we authorize involuntary servitude for crime; and it may just as well be argued that murder is a natural right, because it existed before law, as that slavery is a natural right because it existed before law. *This argument appeals to the crime which the law was enacted to prevent, in order to establish the supremacy of the crime over the law that forbids it.*

There is another fallacy in the arguments which southern gentlemen use on this subject, which, though not as transparent as the preceding, is quite as unsound. They speak of the *rights* of the slaveholder in the new Territories. They speak as though the collective ownership of the Territories by the Government, were the ownership of the people in severalty; as though each citizen could go there and draw a line round a "place" and say *this is mine*; and then, *because it is his*, introduce his slaves upon it. But nothing is more clear than that there is no such *individual* right. The right of the Government is, *first*, a right of sovereignty and jurisdiction; and *second*, the right of ownership of all lands, navigable waters, &c., which have not been conveyed away by the pre-existing government. Individuals retain their citizenship on going there, as they do on going to Great Britain or France; But a slave has just as much right to a portion of the public lands in California, when he gets there, as his master.

Again; If the master carries into California the legal right to hold slaves, which he possessed at home, does not the slave also retain his legal rights when he is transferred there. The laws which govern slaves are as various as the States where they exist. In some States manumission is comparatively unobstructed. In Delaware, it is a penal offence even to sell a slave to a notorious slaveholder. In Georgia, the law forbids, or lately forbade, the importation of slaves for sale. Now, how can a Georgian import slaves into California from Georgia, when the very laws of his own State, under which he claims to hold slaves, and under which laws he claims to carry slaves with him, forbid their importation?

And further, political franchises or privileges are just as much a part of a man's rights as any tangible commodity. In South Carolina, the ownership of ten slaves constitutes a property qualification for being a member of the Legislature. On removing to California, will the citizen of South Carolina,

who owns ten slaves, carry an eligibility to the Legislature of California with him? Nay, this political privilege in South Carolina goes further. It is a right in every owner of ten slaves that no man who does not own ten slaves, (or some legal equivalent,) shall be a member of the Legislature. The aspirant for office has a legal right in the limitation of the number of his competitors as much as in any thing else. Can he carry *this* to California with him? The inference is inevitable, that if the inhabitants of the fifteen slave States can carry slaves into California by virtue of the laws of their respective States, then they must also carry all the incidents of slavery known to their respective codes. For, how can the incident be separated from the principal? You might, therefore, have, in a neighborhood of fifteen families, fifteen slave codes in operation at the same time,—a manifest absurdity.

The conclusion, then, is irresistible, that when you come to the boundary line between a slave State and a free State, you come to the boundary line of slavery itself. On one side of the line, down to the nadir and up to the zenith, the blackness of the slave code pervades all things; but, on the other side, as high above and as deep below, is the purity of freedom. Virginia cannot extend her laws one hair's breadth over the line into Pennsylvania or into Ohio, because their soil is beyond her jurisdiction. So neither Virginia, nor all the fifteen slave States combined, can extend their slave laws one hair's breadth into the new Territories: and for the same reason,—the Territories are beyond their jurisdiction.

As to the argument that the Constitution of the United States recognises slavery, and that, upon the cession of new Territories, the Constitution, by some magical and incomprehensible elasticity, extends itself over them, and carries slavery into them, I think I speak with all due respect when I say it does not come up to the dignity of a sophism. Where do strict constructionists, or even latitudinarian constructionists, find any clause, or phrase, or word, which shows that the Constitution is any thing but a compact between *States*? Where do they find any thing that shows it to be a compact between territories, or between territories and States conjoined? On its very face, the Constitution meets this pretension with a denial. The preamble declares, "We the people of the United States"—not the people of the territories, nor the people of the States and territories—"in order to form a more perfect Union"—"do ordain and establish this Constitution for the United States of America." If the Constitution is a compact between the United States and the territories, then the people of the Territories have all the rights under it which the people of the States have,—the right to choose electors for President and Vice President, &c., to be represented in Congress by a member who can vote as well as speak. The only way in which the Constitution ever was extended, or ever can be extended over any part of the earth's surface outside of the "original thirteen" is this: The Constitution in express terms authorizes the admission of new States; and therefore, when a new State is admitted, it becomes one of these "United States of America." The Constitution does not extend over the Territories, but Congress being the creature of the Constitution, is, when legislating for the Territories, not only invested with constitutional powers, but is limited by constitutional restrictions.

It would have been a much more plausible pretension, when the purchase of Louisiana and Florida was made, that the Constitution carried freedom into those territories; because the Constitution was

built upon the basis of the common law, and, in terms, adopts the common law for its legal processes and its rules of judicial interpretation; and every body knows that there is no principle more dear to the common law than that all treaties, statutes, and customs, shall be construed in favor of life and in favor of liberty.

Having, as I trust, refuted the argument of the slaveholder that the prohibition of slavery in the territories is an act of injustice to his rights, I will consider his next assertion, that it is an insult to his feelings. We are told that the exclusion of slavery from the Territories is an affront to the honorable sensibilities of the South; and that acquiescence in this exclusion would involve their dishonor and degradation.

There are two answers to this complaint. The first is that, among gentlemen, no insult is ever offered where none is intended. There may be heedlessness of conduct, there may be an unintentional wounding of sensibilities; but there can be no affront, where the design to affront is wanting. He is not a gentleman, but a poltroon and a braggart, who pretends he is insulted and proceeds to retaliate for the affront, when all insult and all affront are sincerely disclaimed. Now, it is infinitely far from the purpose of the North to offer any indignity to the South by excluding slavery from the Territories. Their hostility to slavery grows out of an honest allegiance to what they believe to be the highest moral and religious duty; it is fortified by the opinions of mankind; and is perfectly compatible with the most fraternal feelings towards the South. They wish to expostulate, in regard to the wrong, in such a way as to arrest the wrong, and not, by inflaming the wrong-doer, to increase the evil. However erroneous, then, their language or their sentiments may be, they are not affrontive or contumelious; and, when all such purpose is disavowed, those who aspire to stand on the footing of gentlemen cannot reiterate the charge.

But there is another consideration,—one which appertains to the party supposed to be insulted, rather than the party charged with the insult. In his "Theory of Moral Sentiments," Adam Smith maintains that it is the judgment of men,—the opinion of the bystanders,—that gives us the pleasure of being approved, or the pain of being disapproved, on account of our conduct. Now, in this contest between the North and the South, on the subject of extending slavery, who are the bystanders? They are the civilized nations of the earth. We, the North and the South, are contending in the arena. All civilized men stand around us. They are a ring of lookers-on. It is an august spectacle. It is a larger assemblage than ever witnessed any other struggle in the history of mankind; and their shouts of approbation or hisses of scorn are worthy of our heed. And what do these spectators say, in the alternations of the combat? Do they urge on the South to mightier efforts, to the wider spread of slavery, and the multiplication of its victims? Do they shout when she triumphs? When new chains are forged and riveted, when new realms are subdued by haughty taskmasters, and overrun by imbruted slaves, do their plaudits greet your ears and rouse you to more vehement efforts? All the reverse; totally the reverse. They are now looking on with disgust and abhorrence. They groan, they mock, they hiss. The brightest pages of their literature portray you as covered with badges of dishonor; their orators hold up your purposes as objects for the execration of mankind; their wits hurl the lightnings of satire at your leaders; their statute-books abound in laws in



which institutions like yours are branded as crimes; their moralists, from their high and serene seats of justice, arraign and condemn you; their theologians find your doom of retribution in the oracles of God. England has abolished slavery. France, in one fervid moment of liberty, struck the chains from off all her slaves, as the bonds of Paul and Silas were loosed in the inner prison by the mighty power of God. Sweden has abolished it. More than twenty years ago, impotent, half-civilized Mexico did the same. Tunis, a Barbary state, and, I might add, a barbarous state, has abolished slavery. Mahomedanism precedes Christianity, and sets it an example of virtue. Liberia, a republic of emancipated slaves, the very brothers and sisters of those whom you now hold in bondage, has been acknowledged as an independent sovereignty, and welcomed into the family of nations, by two of the most powerful governments on the globe. By this act, Freedom secures a new domain on the eastern continent, while you are striving to give a new domain to bondage on the western. A monarchy hails the advent of a free nation in Africa, where slavery existed before; a republic is seeking to create ten thousand absolute despotisms in America, where freedom existed before.

Now, these are the by-standers and lookers-on in this grand and awful contestation. They are all agreed, as one man, in their opinions about it. They are unitedly visiting your course with execration and anathema. There is not a nation on the globe that has a printing-press and a people that can read, from which you can extort one token of approval. I would agree to submit the question now at issue between the North and the South to the arbitrament of any people on the face of the earth not absolutely savage, and to abide its decision. Nay, the wild tribes of the Caucasus and of upper India, who have defended themselves so nobly against aggression, would spurn your claim and deride its pretenses. And yet you say you are insulted, dishonored, disgraced in the eyes of mankind, if you are not permitted to bring down upon our heads also the curses they are pouring upon yours. So far is this from truth, that if you would promptly and cheerfully consecrate the new Territories to freedom, every nation in the world would send their plaudits of your conduct to the skies.

But gentlemen of the South not only argue the question of right and of honor; they go further, and they tell us what they will proceed to do if we do not yield to their demands. A large majority of the southern Legislatures have solemnly "resolved" that if Congress prohibits slavery in the new Territories, they will resist the law "at any and at every hazard." And yet they say they do not mean to threaten us. They desire to abstain from all language of menace, for threats and menaces are beneath the character of gentlemen. Sir, what is the meaning of the terms "threats" and "menaces?" Mr. Troup, formerly Governor of Georgia, speaking of us upon this floor, and of others who resist the extension of slavery, calls each of us a "fanatic." He says it is only the dread of death that will stay our hands or stop our machinations; and then adds, "THAT DREAD YOU MUST PRESENT TO HIM IN A VISIBLE, PALPABLE FORM." "If," he says in another place, "the abolitionists resolve to force emancipation, or to force dishonor upon the southern States, by any act of Congress, then it is my decided opinion that, with the military preparation here indicated, conjoined to a good volunteer instead of a militia system, THE STATE SHOULD MARCH UPON WASHINGTON, AND DISSOLVE THE GOVERNMENT." The gentleman from North Carolina, (Mr. CLINGMAN,) forewarns us

that if certain measures,—and they are legal and constitutional measures which he indicates,—are taken in order to carry on the business of legislation in this House, the House itself shall be the "Lexington" of a new revolution, and that "such a struggle would not leave a quorum to do business." I could occupy my hour in citing passages of a similar character from the southern press and from southern men. Now, if these are not threats,—threats most gross, flagrant, and offensive,—I know not the meaning of the word. Perhaps those who utter such sentiments are only practising an inversion of language equal to their inversion of ideas on this subject, and would call them "enticements;" like the sailor who said he was enticed to join a mutiny, and being asked what arts had been used to entice him, said that the ringleader sprang at him with a handspike, and swore if he did not join it he would knock out his brains.

And do those gentlemen who make these threats soberly consider how deeply they are pledging themselves and their constituents by them? Threats of dissolution, if executed, become rebellion and treason. The machinery of this Government is now moving onward in its majestic course. Custom-houses, post-offices, land-offices, army, navy, are fulfilling their prescribed circle of duties. They will continue to fulfil them until arrested by violence. Should the hand of violence be laid upon them, then will come that exigency expressly provided for in the Constitution and in the President's inaugural oath, "TO TAKE CARE THAT THE LAWS BE FAITHFULLY EXECUTED." Mr. Chairman, such collision would be war. Such forcible opposition to the Government would be treason. Its agents and abettors would be traitors. Wherever this rebellion rears its crest, martial law will be proclaimed; and those found with hostile arms in their hands must prepare for the felon's doom.

Sir, I cannot contemplate this spectacle without a thrill of horror. If the two sections of this country ever marshal themselves against each other, and their squadrons rush to the conflict, it will be a war carried on by such powers of intellect, animated by such vehemence of passion, and sustained by such an abundance of resources, as the world has never before known. "Ten foreign wars," it has been well said, "are a luxury compared with one civil war." But I turn from this scene with a shudder. If, in the retributive providence of God, the volcano of civil war should ever burst upon us, it will be amid thunderings above and earthquakes below, and darkness around; and when that darkness is lifted up, we shall see this once glorious Union,—this oneness of government, under which we have been prospered and blessed as Heaven never prospered and blessed any other people,—rifted in twain from east to west, with a gulf between us wide and profound, save that this gulf will be filled and heaped high with the slaughtered bodies of our countrymen; and when we reawaken to consciousness, we shall behold the garments and the hands of the survivors red with fratricidal blood.

And what is the object, for which we are willing to make this awful sacrifice? Is it to redeem a realm to freedom? No! But to subjugate a realm to slavery. Is it to defend the rights of man? No! But to abolish the rights of man. *Mr. BOWDOEN.* Does not the gentleman think that such a picture as he has drawn would induce the North to yield a portion of the new Territories to the institution of slavery? *Mr. MASS.* I trust that no pictures and no realities will ever induce us to extend slavery beyond



its present limits. Beyond these limits, "No more slave Territories, no more slave States," is the doctrine by which I, for one, shall live and die.

Now, sir, as this event of a dissolution of the Union is so frequently forced upon our contemplation, I propose to occupy the residue of my hour in considering some of its more obvious consequences. Southern papers and southern resolution-writers have a favorite phrase, that if Congress shall pass any law against the extension of slavery, they will resist it "at any and at every hazard." Let us inquire, soberly, what a few of these hazards are.

First, as to the recovery, or non-recovery, of fugitive slaves, which is one of the alleged provocatives of dissolution. Take a map of the southern States and spread it out before you. Although they cover an area of about nine hundred thousand square miles, yet it is a very remarkable fact, that only an insignificantly small portion of this vast extent lies more than two hundred and fifty miles from a free frontier; and those parts which do lie beyond this distance hold but few slaves. Those portions of North Carolina, South Carolina, Georgia, Alabama, and Tennessee, where their upper boundaries converge among the mountains, are a little more than this distance from a free border; but this territory is relatively insignificant in size, and sparsely populated with slaves. An outside belt or border-region of the slave States, no part of which shall be more than one hundred miles from a free frontier, would embrace nearly one-half of their whole area; and, as I suppose, much more than one-half of their whole slave population. What is to prevent the easy escape of slaves living within these limits? While God sends nights upon the earth, nothing can prevent it. I venture to predict, that in such a state of things, slaves will become cheap, and horses will become dear. I am aware of your laws, which forbid slaves to cross bridges or ferries, without a pass; but you can have no law against seasons of low water. The old adage says "riches have wings." You will find that these riches have legs. The Mississippi and Ohio rivers, where they border upon free States, will be alive as with shoals of porpoises. Remember, there is no Constitution of the United States now. That you have broken. The free States are therefore absolved from all obligation to surrender fugitives. The law of 1793 is also at an end. No action can be maintained for aiding them to escape, or for harboring or concealing them. The distinguished Senator from Kentucky said, in his late speech, that no instance had ever come to his knowledge where an action for harboring runaways had not been maintained in the courts of the free States and damages recovered. But this remedy you will have annulled. The Constitution of the United States, and the law of 1793 being at an end, the law of nature revives. By this law, every case of an escaping slave is but *the self-recovery of stolen goods*. When they cross the line into a free State, they are free,—as free as you or I. The States being separated, I would as soon return my own brother or sister into bondage, as I would return a fugitive slave. Before God, and Christ, and all Christian men, they are my brothers and sisters. As our laws make it piracy to kidnap slaves in Africa, or to ship them thence, so it shall be a felony, punishable with death, for any southern master to kidnap a colored man, in a free State, or transport him from it, on the ground of alleged ownership. You are fond of quoting Scripture to us, in justification of slavery. We will retort the Scripture, that "he that stealeth a man, and selleth him; or if he be found in his hand, he shall surely be put to death."

Here, then, is a free land frontier of about two thousand miles, and a free ocean frontier of about twenty-five hundred miles, and more than one-half of all your slaves are within two days' run of it. More than one-quarter of them are within one night's run of it. Thousands and tens of thousands can escape, even while you are dining. Canada, now so distant, is brought five hundred miles nearer. The under-ground railroad will be abandoned, and its stock so invested as to yield quicker returns. What facilities for escape, too, will the ocean present. Fleets of vessels are constantly passing and repassing within a few hours' sail of the coast. The day for the power and the triumph of those whom you hate as abolitionists will have arrived. Steamboats could lie out of sight of land in the day-time, run in at night, and be out of sight again before the rising of the sun. To guard twenty-five hundred miles of coast is impossible. If you declare war, in order to avenge your losses, then that war makes your coast lawfully accessible both by day and by night, and multiplies a hundred fold the opportunities and facilities for this self-recovery of stolen goods.

I know it is said that some of the northern States are averse to the reception of blacks. Let us analyze this idea. There are now by estimation three millions of slaves. Say one half of these are either too old or too young to have the strength or the intelligence to escape. A million and a half are left; five hundred thousand of these will have attachments to their own parents or children, or to their masters, too strong to be broken; or they may be so degraded as to be contented with bondage; for their contentment is always one of the measures of their degradation. This would leave a million for fugitives, consisting wholly of the most able-bodied and intelligent. The northern States comprise a territory of five hundred thousand square miles. A million of escaped slaves would give but two to a square mile, and this surely would not be a formidable number, even where colorphobia is strongest. Suppose the case of a family of fourteen slaves,—two grandparents, too decrepit for labor, six athletic sons or daughters, and six grandchildren. What but affection should prevent the able-bodied and the profitable from escaping, and leaving the aged and the young on their masters' hands? Affection, indeed, would bind the parents to their children, but they know too well how often this bond is remorselessly broken by the master; and, besides, an enlightened affection would look to future children and their posterity forever, as well as to those they already have.

Will you make your laws horribly penal, in order to deter slaves from escaping, by fear? Will you mutilate them, or scourge them till within a minute of death? Do so. All such punishments not only nourish the love of freedom, but breed the purpose of revenge; and it is a kind of lesson which a brutalized nature is always prone to retaliate with improvements. Will you make the act of escape a capital offence in a slave, and destroy the victim you cannot restrain? Do so. Though you may inflict death in a paroxysm of wrath, yet of all your penal dispensations, it is the most merciful. It not only releases the slave himself, but is a prospective and perpetual amnesty,—a true act of oblivion,—for all his descendants. But this extremity of punishment is not likely to be resorted to. In looking over the criminal codes of the slave States, I think I have noted cases where the slave is not punished with death for an offence for which a white man is. The *value* moderates the vengeance. There are not many who, like Cleopatra,

can afford to dissolve a pearl in the cup of revenge, and swallow it at a draught, when that pearl will command five hundred or a thousand dollars in the market-place.

Southern gentlemen, when they threaten disunion, cannot surely be so much at fault as to forget that slavery exists here as it never existed in any other part of the world. In Greece there were slaves; in some cases, highly intelligent and accomplished slaves. They could have escaped if they would; but where should they escape to? All contiguous nations,—the whole circle round,—were barbarians. Their slaves, therefore, had no place to flee to, where better institutions and juster laws prevailed. So it was with Rome. Whither could her slaves fly, but to barbarous Spain, or more barbarous Gaul, or to some nation whose language they did not understand. Ignorance of language is a more insuperable barrier than mountains or oceans. It is just the reverse here. The English language is spoken on all sides; and our slave land is encircled by free land, or free ocean,—Jamaica, the Bermudas, and two thousand miles of northern frontier. And I have lately seen an estimate from a credible source, that if an inter-oceanic canal should be opened across the Isthmus of Darien, twelve hundred ships would annually pass through it; and, as they sail to and fro, they will skirt the whole of your Gulf coast, and the whole of your Atlantic coast, a great part of the voyage being within sight, or within a day's sail of your shores. Now, the ignorant slave knows little of geography, but he would know of these avenues to freedom, and nothing but death could extinguish such knowledge and the hopes it would inspire. I say, sir, under such circumstances, slavery would melt away upon your borders like an iceberg in the tropics. The particles, that is, the individuals of the exposed surface, would disappear; and you might as well attempt to stop solar evaporation by statutory laws, as to prevent their escape. Perhaps a dissolution of the Union is the means foreordained by God for the extinction of slavery; and did I not foresee its doom before any very long period shall have elapsed, without the unspeakable horrors of a civil and a servile war, I cannot say to what conclusions the above considerations would lead my own mind.

Having shown how the "redress" of disunion will operate upon one of the grievances alleged as its motive and excuse, let us look at another of those "hazards," whose list of indefinite length the South is so willing to brave. In case of rebellion or secession, to whom will the territories belong? It is the rule of political as well as of municipal law, that whoever retires from a community leaves its common property behind him. I have a direct interest and proprietorship in the church in my parish, in the schoolhouse in my town, and in the state-house and other public property belonging to my State. But if I expatriate myself, I leave all that interest and proprietorship behind me. If the county of Brooke, in Virginia, should secede from the State of Virginia, and should annex itself to Ohio or Pennsylvania, no one doubts that it would forfeit all its rights to whatever public property the State of Virginia possesses. In like manner, if the "United States South," as the new confederacy has already been named by the Richmond *Enquirer*, should secede, they would, by the very act of secession, surrender and abandon all right, title, and interest, in the new Territories. By such secession, all their citizens become foreigners. They have no rights under the treaty with Mexico. The new Spanish citizen, whose allegiance was transferred by the treaty with Mexico, and whose

citizenship is not yet two years old, would have a right to expel them. The "United States South," it is true, may declare war and attempt the conquest of the Territories by force; but in such a contest, the army, and navy, and military stores of the Government, which, also, they have lost by secession, will be turned against them. But, I venture to prophesy, that if the slave States shall pass through one war, single-handed, they will afterwards be the most peaceable nation the world ever saw. To every frontier country, and to every naval power, they have given three millions of hostages for their good behavior.

Let us look at a third grievance they mean to redress, and a third "hazard" they are ready to encounter. They complain of northern agitation on the subject of slavery, and northern instigation of the slaves themselves. On the subject of "agitation," I deny that the North has ever overstepped the limits of their constitutional rights. They have never agitated the question of slavery in the States. It has been only in regard to slavery in this District, or the annexation of Texas, or the acquisition of territory for the extension of slavery, or the imprisonment of her own citizens in southern ports, or a denial of the inviolable right of petition;—it has been only on such subjects that the North has lifted up the voice of expostulation and remonstrance. Even these constitutional rights she has used forbearingly. She has never exerted force, nor threatened force, either to maintain the right of petition or to liberate her own citizens imprisoned in southern jails.

In regard to instigating slaves to escape, I acknowledge there have been some instances of it; but they have been few. The perpetrators have been tried and severely punished, and the North has acquiesced; for they acknowledge that, if a man will go into a slave State and violate its laws, he must be judged by them. But I have never known of a single case,—I believe there is no well-authenticated case on record,—where a northern man has instigated the slaves to rise in rebellion, and to retaliate upon their masters for the wrongs which they and their race have suffered. As I dread indiscriminate massacre and conflagration, I should abhor the perpetrator of such a crime. But will separation bring relief or security? No, sir; it will enhance the danger a myriad fold. Thousands will start up, who will think it as much a duty and an honor to assist the slaves in any contest with their masters, as to assist Greeks, or Poles, or Hungarians, in resisting their tyrants. Two things exist at the North which the South does not duly appreciate,—the depth and intensity of our abhorrence of slavery, and that reverence for the law which keeps it in check. The latter counterpoises the former. We are a law-abiding people. But release us from our obligations, tear off from the bond with your own hands the signatures which bind our consciences and repress our feelings, destroy those compensations which the world and which posterity would derive from this Union, and well may you tremble for the result. I have seen fugitive slaves at the North, and heard from their own lips the dreadful recital of their wrongs; and if I am any judge of the natural language of men; if I can divine from the outward expression what passions are burning within; each one of them had a hundred conflagrations and a hundred massacres in his bosom. They felt as you and I should feel if we had been subjected to Algerine bondage. And do you doubt, sir; does any southern gentleman on this floor doubt, for one moment; that if he were seized by a Barbary corsair and sold into Algerine



bondage, and carried a hundred miles into the interior, that he would improve the first opportunity to escape, though at every step in his flight he should crush out a human life, and should leave an ever widening expanse of conflagration behind him? If agitation and instigation are evils now, woe to those who would seek to mitigate or to repress them by the remedies of disunion and civil war. Let men who live in a powder-mill beware how they madden pyrotechnists.

But it is said that if dissolution occurs, the "United States South" can form an alliance with Great Britain. And are there no instigators, and abolitionists in England? Yes, sir,—ten in England where there is one at the North. Frederick Douglass has just returned from England, where he has enjoyed the honors of an ovation. William Wells Brown, another fugitive slave, is now travelling in England. His journeys from place to place are like the "Progresses" of one of the magnates of that land,—passing wherever he will with free tickets, and enjoying the hospitalities of the most refined and educated men. The very last steamer brought out an account of his public reception at Newcastle. An entertainment was given him, which was attended by four hundred ladies and gentlemen. Men of high distinction and character adorned it by their presence. The ladies made up a purse of twenty sovereigns, which they gave him. It was presented in a beautiful purse, that one of their number,—the successful competitor for the honor,—had wrought with her own hands. All their generosity and kindness they considered as repaid by hearing from his own lips the pathetic story of his captivity, and the heroism of his escape. Sir, every man who has travelled in England knows that there are large, wealthy, and refined circles there, no number of whom would allow a slaveholder to sit at their table or enter their doors. Not only churches, but moral and religious men, the world over, have begun to read slaveholders out of their communion and companionship. If the South expects to rid itself of agitation and abolitionism by rupturing its bonds with the North, and substituting an alliance with Great Britain for our present Constitution, they may envy the wisdom of the geese who invited the fox to stand sentinel over them while they slept. Northern interference will increase a hundred fold; and the whole power and wealth of British abolitionism, not only founded on moral principle, but nursed by national pride, will be brought to bear directly upon them.

I said that the slave does not know much of geography; but he understands enough of it to know where lies the free frontier. The slave does not know much of astronomy; but there is one star in the firmament which is dearer to him than all the heavenly host were to the Chaldeans. He worships the North star with more than Persian idolatry. But let the South form commercial alliances with Great Britain; let the carrying trade be carried on in British vessels; and the slave will find a star in the East as beautiful to his eye, and as inspiring to his hopes, as the star in the North.

Is the case of the *Amistad* forgotten, where a few ignorant, degraded wretches, fresh from the jungles of benighted Africa, herself seized upon the vessel in which they were transported, and compelled the master, under peril of his life, to steer for the North star, that light which God kindled in the heavens, and which he will, as soon as it extinguish as he will, extinguish the love of liberty, which he has kindled in every human breast?

And will a slave, escaping to Great Britain, or to any of her colonial possessions, be reclaimable? Examine Somerset's case for an answer. No, sir. Neither the third clause of the second section of the

fourth article of the Constitution, nor the law of 1793, will ever be extended over the Three Kingdoms or their dependencies.

It surely is not beneath the dignity of the place or the occasion to look at another of those "hazards" which the South are invoking. They are proud of their past history, and I doubt not their reflecting and patriotic men are at least reasonably solicitous of their future fame. When they meet in august council to inaugurate the great event of establishing an independent confederacy of slave States, and of dissolving the political bands which now connect them with us, "a decent respect to the opinions of mankind" will "require them to declare the causes which had impelled them to the separation." And will they find a model for their manifesto in that glorious Declaration of American Independence which their own immortal Jefferson prepared, and to which many of the greatest of all their historic names are subscribed? Alas, they will have to read that Declaration, as the devil reads Scripture,—backwards! I know not what may be the rhetorical terms and phrases of the new Declaration; but I do know that its historic form and substance cannot be widely different from this:

"We hold these truths to be self-evident, that men are not created equal; that they are not endowed by their Creator with inalienable rights; that white men, of the Anglo-Saxon race, were born to rob, and tyrannize, and enjoy; and black men, of the African race, to labor, and suffer, and obey; that a man with a drop of African blood in his veins has no political rights, and therefore shall never vote; that he has no pecuniary rights, and, therefore, whatever he shall earn or receive, belongs to his master; that he has no judicial rights, and therefore he shall never be heard as a witness, to redress wrong, or violence, or robbery, committed by white men upon him; that he has no parental rights, and therefore his children may be torn from his bosom, at the pleasure or caprice of his owner; that he has no marital rights, and therefore his wife may be lawfully sold away into distant bondage, or violated before his eyes; that he has no rights of mind or of conscience, and therefore he shall never be allowed to read or to think, and all his aspirations for improvement shall be extinguished; that he has no religious rights, and therefore he shall never read the Bible; that he has no heaven-descended, God-given rights of freedom, and therefore he and his posterity shall be slaves forever; we hold that governments were instituted among men to secure and fortify this ascendancy of one race over another; that this ascendancy has its foundation in force, ratified by law, and in ignorance and debasement inflicted by intelligence and superiority; and when any people, with whom we have been politically associated, would debar us from propagating our doctrines, or extending our domination into new realms and over free territories, it becomes our duty to separate from them, and to hold them, as we hold the rest of mankind, friends when they make slaves, enemies when they make freemen."

I say, sir, of whatever words and phrases the southern "Magna Charta" may consist, this, or something like this, must be its substance, and reality.

So the preamble to their constitution must run in this wise: "We, the people of the United States South, in order to form a more perfect conspiracy against the rights of the African race, establish injustice, insure domestic slavery, provide for holding three millions of our fellow-beings, with all the countless millions of their posterity, in bondage, and to secure to ourselves and our posterity the enjoyment of power and luxury and



cloth, do ordain and establish this constitution for the 'United States South.'"

Sir, if a civil war should ensue between the North and the South, (which may God, in his mercy, avert,) in consequence of an attempt to dissolve this Union, and the certain resistance which would be made to such an attempt, it would be difficult to exaggerate the immediate evils which would befall the interests of New England and some other parts of the North. Our manufactures and our commerce would suffer at least a temporary derangement. But we have boundless resources in our enterprise and our intelligence. Knowledge and industry are recuperative energies that can never long be balked in their quest of prosperity. The people that bore the embargo of 1807, and the war of 1812, when all their capital was embarked in commerce, can survive any change that does not stop the revolution of the seasons or suspend the great laws of nature. And, when the day of peace again returns, business will return to its old channels. The South, notwithstanding any personal hostility, will be as ready to take northern gold as though it had come from the English mint; and they will employ those first, who will do their manufacturing or their commercial labor cheapest and best. Gold is a great pacificator between nations; and, in this money-loving age, mutual interests will, in the end, subdue mutual hostilities. Our share, therefore, of the calamities of a civil war, will be mainly of a pecuniary nature. They will not be intolerable. They will invade none of the securities of home; they will not associate poison with our daily food, nor murder and conflagration with our nightly repose; nor black violation with the sanctities of our daughters and our wives.

Even in a pecuniary point of view, a dissolution of our political ties would cause less immediate and intense suffering at the North than at the South. Our laws and institutions are all framed so as to encourage the poor man, and, by education, to elevate his children above the condition of their parents; but their laws and institutions all tend to aggrandise the rich and to perpetuate power in their hands. Were it not for the visions of horror and of bloodshed which southern threats have so intimately associated with this controversy, one remarkable feature, which has hitherto been eclipsed, would have been most conspicuous. With every philanthropic northern man a collateral motive for keeping the new Territories free, is, that they may be a land of hope and of promise to the poor man, to whichever of all our States he may belong, where he may go and find a home and a homestead and abundance. But the South, in attempting to open these Territories to slaveholders, would give them to the rich alone, would give them to less than three hundred thousand persons, out of a population of six millions. The interests of the poorer classes at the South all demand free territory, where they can go and rise at once to an equality with their fellow-citizens, which they never can do at home. They are natural abolitionists, and unless blinded by ignorance, or overawed by their social superiors, they will so declare themselves. Every intelligent and virtue-loving wife or mother at the South, when she thinks of her husband and her sons, is forced to be an abolitionist. The attempt, therefore, to subject the new Territories to the law of slavery is not made in the name of one half of the people of the United States; it is not made for the six millions, more or less, who inhabit the slave States; but it is made for less than three hundred thousand slaveholders among more than twenty millions of people.

There is one other "hazard," sir, which the South invokes and defies, which, to her high-minded and honor-loving sons, should be more formidable than all the rest. She is defying the Spirit of the Age. She is not only defying the judgment of contemporaries, but invoking upon herself the execrations of posterity. Mark the progress in the public sentiment of Christendom within the last few centuries on the subject of slavery and the rights of man. After the discovery of this continent by Columbus, the ecclesiastics of Spain held councils to discuss the question, whether the aborigines of this country had or had not souls to be saved. They left this question undecided; but they said, as it was possible that the nations of the New World might have an immortal spirit, they would send them the Gospel so as to be on the safe side; and the mission of Las Casas was the result. In the time of Lord Coke, only a little more than two centuries ago, the doctrine was openly avowed and held, in Westminster Hall, that the heathen had no rights; and therefore that it was lawful for Christians to drive them out of their inheritance, and to despoil them, as the Jews despoiled the Egyptians and drove out the Canaanites. During the seventeenth century, all the commercial nations of Europe engaged in the African slave trade, without compunction or reproach. In the last, or eighteenth century, the horrors of that trade were aggravated and blackened by such demoniacal atrocities, as were it not for some redeeming attributes among men, would have made the human race immortally hateful. Even when our own constitution was formed, in 1787, this dreadful traffic was not only sanctioned, but a solemn compact was entered into, by which all prohibition of it was prohibited for twenty years. Yet, in the year 1820, after the lapse of only thirty-three years, this very trade was declared to be piracy,—the highest offense known to the law,—and the felon's death was denounced against all principals and abettors. We are often reminded by gentlemen of the South, that, at the time of the adoption of that Constitution, slavery existed in almost every State in the Union; and that some northern merchants, by a devilish alchemy, transmuted gold from its tears and blood. But can they read no lesson as to the progress of the age from the fact that all those States have since abjured slavery of their own free will; and that, at the present day, it would be more tolerable for any northern merchant, rather than to be reasonably suspected of the guilt of this traffic, to be cast into the fiery furnace of Nebuchadnezzar, even times heated. In Europe, the tide of liberty, though meeting with obstructions from firm-seated dynasties and time-strengthened prerogative, still rises, and sweeps onward with unebbing flow. In France, revolutions follow each other in quickened and quieter succession. These revolutions are only gigantic struggles of the popular will to escape from oppression; and, at each struggle, the giant slips a chain.

Great Britain, which in former times sent more vessels to the coast of Africa to kidnap and to transport its natives than all the other nations of the earth together, now maintains a fleet upon that same coast to suppress the trade she so lately encouraged. Three times, during the present century, has that government escaped civil commotion by making large concessions to popular rights. Since the year 1814, written constitutions have been extorted by the people from more than three-fourths of all the sovereigns of Europe. What a tempest now beats upon Austria, from all points of the compass, because, during the last season, she attempted only to half-enslave the Hungarians,—because she attempted to do what, during the last

century, she might have done without a remonstrance. The rights of individuals, not less than the rights of communities, have emerged from oblivion into recognition, and have become law. Penal codes have been ameliorated and barbarous customs abolished. There are now but two places on the globe where a woman can be publicly whipped,—in Hungary and in the southern States! And the universal scorn and hissing with which the rulers of the former country have been visited for their women-whipping, and their execution of those whose sole crime was their love of freedom, only foretokens that fiercer scorn and louder hissing with which, from all sides of the civilized world, the latter will soon be visited. Let the high-toned and chivalrous sons of the South,—those “who feel a stain upon their honor like a wound,”—think of all this, as one in the long catalogue of “hazards” upon which they are rushing.

Sir, the leading minds in a community are mainly responsible for the fortunes of that community. Under God, the men of education, of talent, and of attainment, turn the tides of human affairs. Where great social distinctions exist, the intelligence and the wealth of a few stimulate or suppress the volition of the masses. They are the sensorium of the body politic, and their social inferiors are the mighty limbs which, for good or for evil, they wield. Such is the relation in which the three hundred thousand or less than three hundred thousand slave-owners of the South, hold to their fellow-citizens. They can light the torch of civil war, or they can quench it. But if civil war once blazes forth, it is not given to mortal wisdom to extinguish or control it. It comes under other and mightier laws, under other and mightier agencies. Human passions feel the combustion; and the flame which the breath of a man has kindled, the passions of the multitude,—stronger than the breath of the hurricane,—will spread. Among these passions, one of the strongest and boldest is the love of liberty, which dwells in every bosom. In the educated and civilized, this love of liberty is a regulated but paramount desire; in the ignorant and debased, it is a wild, vehement instinct. It is an indestructible part of the nature of man. Weakened it may be, but it cannot be destroyed. It is a thread of asbestos in the web of the soul, which all the fires of oppression cannot consume.

With the creation of every human being, God creates this love of liberty anew. The slave shares it with his master, and it has descended into his bosom from the same high source. Whether dormant or wakeful, it only awaits an opportunity to become the mastering impulse of the soul. Civil war is that opportunity. Under oppression, it bides its time. Civil war is the fullness of time. It is literal truth that the South fosters within its homes three millions of latent rebellions. Imbedded in a material spontaneously combustible, it laughs at fire. As it any barriers to keep the spirit of liberty, which has electrified the old world, from crossing to own borders, and quickening its bondmen in tumultuous life?—not all of them; but one in ten thousand, one in a hundred thousand of them. If there is no Spartacus among them, with his lofty heroism, and his masterly skill for attack and defence, is the race of Nat Turners extinct, who, in their religious musings, and their dumb melancholy, take the impulses of their own passions for the inspiration of God, and, after prayer and the eucharist, proceed to massacre and conflagration? In ignorant and imbruted minds, a thousand motives work, which we cannot divine. A thousand excitements madden them, which we cannot control.

It may be a text of Scripture, it may be the contents of a wine-vault; but the result will be the same,—havoc wherever there is wealth, murder wherever there is life, violation wherever there is chastity. Let but this wild-fire of a servile insurrection break out in but one place in a State; nay, in but ten places, or in five places, in all the fifteen States; and then, in all their length and breadth, there will be no more quiet sleep. Not Macbeth, but the Angel of Retribution will “murder sleep.” The mother will clasp her infant to her breast, and, while she clasps it, die a double death. But, where will the slaves find arms? “*Furor arma ministrat.*” Rage will supply their weapons. Read the history of those slaves who have escaped from bondage; mark their endurance and their contrivance, and let incredulity cease forever. They have hid themselves under coverts, dug holes and burrowed in the earth for concealment, sunk themselves in ponds, and sustained life by breathing through a reed, until their pursuers had passed by; crushed themselves into boxes, but of half a coffin’s dimensions, to be nailed up and transported hundreds of miles, as merchandise; and, in this horrible condition, have endured hunger and thirst, and standing upon the head, without a groan or a sigh; have wandered abroad, almost fasting for forty days and forty nights, like Christ in the wilderness;—and, will men who devise such things, and endure such things, be balked in their purposes of hope and of revenge, when the angel of destruction, in the form of the angel of liberty descends into their breasts?

The state of slavery is always a state of war. In its deepest tranquillity, it is but a truce. Active hostilities are liable at any hour to be resumed. Civil war between the North and the South,—any thing that brings the quickening idea of freedom home to the mind of the slave, that supplies him with facilities of escape, or immunities for revenge,—will unleash the bloodhounds of insurrection. Can you muster armies in secret, and march them in secret, so that the slave shall not know that they are mustered and marched to perpetuate his bondage, and to extend the bondage of his race? Was not Major Dade’s whole command supposed to be massacred through the treachery of a slave? A foray within your borders places you in such a relation to the slave that you are helpless without him, and in danger of assassination with him. He that defends slavery by war, wars against the eternal laws of God, and rushes upon the thick bosses of Jehovah’s buckler. Such are some of the “hazards” which the leaders of public opinion at the South, the legislators and guides of men in this dark and perilous hour, are invoking upon themselves and their fellows; not for the interests of the whole, but for the fancied interests of the slaveholders alone, and against the real interests of a vast majority of the people. May God give that wisdom to the followers which he seems not yet to have imparted to the leaders.

Sir, in these remarks, I have studiously abstained from every thing that seemed to me like retaliation or unkindness. I certainly have suffered no purposed word of crimination to pass my lips. If I have uttered severe truths, I have not sought for severe language in which to clothe them. What I have said, I have said as to a brother sleeping on the brink of a precipice, where one motion of his troubled sleeping, or of his bewildered awaking, might plunge him into remediless ruin.

In conclusion, I have only to add, that such is my solemn and abiding conviction of the character of slavery, that, under a full sense of my responsibility to my country and my God, I deliberately say,



better disunion,—better a civil or a servile war,—better any thing that God in his providence shall send, than an extension of the bounds of slavery.

Upon the close of Mr. MANN's remarks,

Mr. BURT, of South Carolina, rose and said that he had not interrupted the gentleman from Massachusetts during his speech, but he presumed he did not wish to have any error go forth under the sanction of his name; and he therefore called upon him to retract what he had said in regard to slaves ever being exempted from capital punishment for crimes for which the whites were executed. He called upon him also to withdraw the imputation that the pecuniary value of the slave was a motive for any such difference in the laws respecting them. He remarked that, by the laws of the Southern States, such a distinction is not made. I know, (said he,) no instance in which it exists. On the contrary, slaves are punished capitally for offences that are not so punished when committed by white men. In South Carolina, slaves have never been admitted to the benefit of clergy for offences at common law; and thus a slave is punished capitally for maiming or grievously beating a white man. Mr. BURT was also understood to say that there were "six or eight," or "eight or ten," offences in South Carolina for which slaves were punished capitally, but for which white men were not.

Mr. MANN replied that he had stated what he believed to be true; but if he had fallen into any mistake he should be most happy to be corrected. He was assured also by the gentleman from Georgia, on his left, (Mr. TOOMBS,) that no such distinction existed as he had supposed; and it was but reasonable to believe that those gentlemen were more conversant with the southern laws than himself.

Mr. MANN added that he (Mr. MANN) could not be expected to have the statute books of the southern States before him, at that time, to meet so unexpected a denial. Neither could he be expected by any honorable gentleman to make a retraction until he had time to see whether the ground he had taken were tenable.

[*Note by Mr. MANN.*]—On repairing to the Law Library, to ascertain which party was right, in regard to the above difference of opinion, the second book I opened contained at least three cases, where the courts were authorized to sentence a slave to be transported for the commission of an offence, for which a white man must be unconditionally hung. See North Carolina Rev. Stat., vol. I., chap. 111, §§ 36, 37, 39. Of course, the reason of this difference is the pecuniary value of the slave. Hung, he would be worthless; transported to Cuba, he might bring five hundred dollars.

The law was formerly so in Mr. BURT's own State.

In the seventh volume of the Statutes at Large of South Carolina, No. 344, §5, I find the following: "And *whereas*, it has been found by experience that the executing of several negroes for felonies of a smaller nature, by which they have been condemned to die, have been of great charge and expense to the public, and will continue, (if some remedy be not found,) to be very chargeable and burdensome to this province; *Be it therefore enacted*, by the authority aforesaid, that all negroes or other slaves who shall be convicted and found guilty of any capital crime, (murder excepted,) for which they used to receive sentence of death, as the law directs, shall be transported from this province, by

the public receiver for the time being, to any other of his majesty's plantations, or other foreign part, where he shall think fitting to send them, *for the use of the public.*"

The slave condemned to transportation was to be appraised and his master paid out of the public treasury, and this amount was, of course, to be reimbursed by what should be received from the foreign sale. From the statement of Mr. BURT, that no such law now exists in South Carolina, I suppose the above enactment must have been repealed.

The fact stated in my speech is therefore proved, although the instances may be fewer than I had supposed. As to the motive attributed there can be no doubt. The cases are most numerous in the southern States, where white men are merely *imprisoned* for offences for which slaves are whipped, branded, and cropped, or otherwise corporally punished. The slave's time is too valuable to be lost in a prison, but the white man's is not; the white man's skin is too sacred to be flayed or branded, but the slave's is not.

But laws which punish "six or eight," or "eight or ten," or any other number of offences with death, when committed by slaves, while the same offences receive a milder penalty when committed by whites; or laws denying the benefit of clergy, (where that relic of barbarism still prevails,) to a slave, while it is granted to a white man, are surely among the greatest atrocities recorded in the history of the race. Ponder for a moment upon the accursed fact. A freeman acting under all the motives to self-respect; moved by all the incentives to good conduct; enjoying all the means of education; inspired by all the influences of the Gospel; and capable of comprehending all the powerful restraints and the sublime rewards connected with a hereafter, *exonerated* from the punishment of death; while death, in all the horrors with which ignorance and superstition can invest it, is inflicted upon men who are subjected to bondage; deprived of all motive for honorable conduct; barred out from every avenue to knowledge by cruel penalties; blinded to the light of the Gospel; and, in a land of boasted Christianity, left in the darkness of *leathenism*! These are not the customs of a lawless banditti, of outcasts or renegades, but solemn enactments of State legislatures, devised by talent and eminence, enforced and preserved by the oligarchical few, by the virtual nobility and flower of populous communities. Such laws demand a return of five talents, under penalty of death, where only one talent had been confided; they absolve him who had received five talents, though he brings none of them back. Such laws make the Scriptures read, that the servant who knoweth his lord's will, but doeth it not, shall be beaten with but few stripes; but the servant who did not know it, whom his very master debarred from knowing it, shall be beaten with many stripes; for unto whomsoever much is given, but little shall be required; but to whom men have committed much, of him little shall be asked. What shall be thought of a system, AND OF EXTENDING A SYSTEM, which so perverts the hearts of men, otherwise clear-headed, high-minded and generous!

What more fitting theme could be conceived, were the arch-enemy of mankind to compose a *burlesque*, in ridicule of *Republics*, to be represented in that Theatre which is all "*Pit*?"

It is not, however, the *existence* of slavery, but its *extension*, we now intend to avert.







